

b.) Remarks

Claim 15 has been amended in order to recite the present invention with the specificity required by statute. No new matter has been added.

Claims 6-8 and 15 are rejected under 35 U.S.C. §102(e) as being anticipated by Dunican et al. (U.S. Patent No. 6,797,509). The Examiner states that Dunican's SEQ ID NO:1 encodes a peptide having transaldolase activity and is 98.7% identical to SEQ ID NO:2 herein. Dunican '509 claims benefit of provisional application No. 60/142,915 filed July 9, 1999. The '915 application is said to teach SEQ ID NO:1 at pages 10-15.

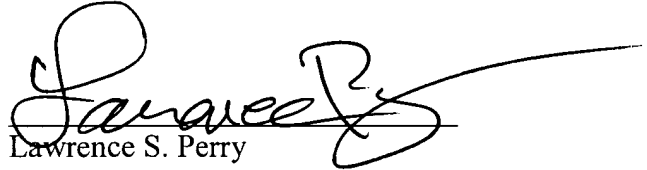
Solely in order to reduce the issues and expedite prosecution herein, claim 6 is cancelled. Accordingly, claims 7, 8 and 15 now all depend from allowed claims 4 or 5. Therefore, the rejection is mooted and withdrawal thereof is earnestly solicited.

In view of the above amendments and remarks, Applicants submit that the claims are all now in allowable condition. Accordingly, reconsideration and allowance of this application is respectfully requested.

Claims 4, 5, 7, 8 and 15 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence S. Perry", with a long horizontal flourish extending to the right.

Lawrence S. Perry  
Attorney for Applicants  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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